

NATURE OF CHARGE: Adulteration, Section 402 (c), the articles bore and contained a coal-tar color or colors which have not been listed for use in foods and were other than those certified in accordance with the regulations.

Misbranding, Section 403 (i), the Green Leaf Shade colors were fabricated from 2 or more ingredients, and the labels failed to bear the common or usual name of each ingredient; and, Section 403 (k), the flavors bore and contained artificial flavoring and artificial coloring, and the labeling failed to reveal that fact.

DISPOSITION: On April 11, 1945, the United States district court for the District of Massachusetts ordered that the cases be consolidated and removed to the United States district court for the Southern District of New York. David Kleckner & Sons, Inc., claimant, having withdrawn the answers filed in each of the proceedings and having consented to the entry of a decree on January 14, 1947, judgment of condemnation was entered and the products were ordered destroyed, with the exception of the seizure action against one bottle of Tipo Grassos, in which case, owing to the destruction of the article itself, the proceeding was dismissed without costs.

MISCELLANEOUS FOODS*

10883. Adulteration and misbranding of coal-tar colors. U. S. v. Marion K. Summers (Marion-Kay Products Co.). Plea of nolo contendere. Imposition of sentence suspended; defendant placed on probation for 1 year. (F. D. C. No. 17874. Sample No. 13221-H.)

INFORMATION FILED: June 12, 1946, Eastern District of Missouri, against Marion K. Summers, trading as the Marion-Kay Products Co., St. Louis, Mo.

ALLEGED SHIPMENT: On or about January 25, 1945, from the State of Missouri into the State of Ohio.

LABEL, IN PART: "Marion Kay Products Company * * * Green [or "Yellow," or "Red"] Food Coloring."

NATURE OF CHARGE: Adulteration, Section 402 (c), the articles contained coal-tar colors other than ones from batches that had been certified in accordance with the regulations.

Misbranding, Section 403 (a), the label statements "Certified Food Colors" and "Certified by the U. S. Food and Drug Administration" were false and misleading since they represented and suggested that the articles consisted of coal-tar colors from batches that had been certified in accordance with the regulations, whereas the articles consisted of coal-tar colors other than ones from batches that had been so certified.

DISPOSITION: September 19, 1946. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

10884. Adulteration and misbranding of Saframol (food color). U. S. v. 16 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 15118, 15311. Sample Nos. 63819-F, 103-H.)

LIBELS FILED: On or about February 3 and March 1, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 31 and November 2, 1944, by David Kleckner and Sons, Inc., from Ozone Park, Long Island, N. Y.

PRODUCT: 16 cartons and 10 boxes, each containing 100 envelopes, of Saframol food color at Tampa, Fla. Analysis showed that this product did not contain saffron, but that it contained sodium bicarbonate and coal-tar colors such as FD&C Yellow No. 5 and FD&C Orange No. 1. One lot of the product contained annatto.

LABEL, IN PART: "Pure Spanish Saffron * * * Kleckner's Saframol Improves Your Food For * * * Color."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article bore and contained coal-tar colors other than those from batches certified in accordance with the regulations.

*See also Nos. 10720, 10882.